

COUNCIL MEETING
MONDAY, OCTOBER 22, 2018
COUNCIL CHAMBERS
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Regular session of the Lackawanna City Council met in the Council Chambers, Council President Annette Iafallo presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Annette Iafallo.

Meeting called to order

NB: Meeting being recorded

Roll Call: Council: Present: Noman, Schultz, Leonard, Surdyke, Iafallo

Dept. Heads: Present: Law, Development, Comptroller, Public Safety, Public Works
Excused: Recreation

Approval of Minutes: of regular meeting of October 1, 2018 and special meeting of October 5, 2018

Moved by Iafallo seconded by Noman to adopt minutes of regular meeting of October 1, 2018 and special meeting of October 5, 2018 as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Departmental Reports:

1. **City Comptroller-** A/P Check Listing #10, September 27, 2018
2. **City Comptroller-** A/P Check Listing #11, October 5, 2018
3. **City Comptroller-** A/P Check Listing #12, October 11, 2018
4. **City Clerk-** Monthly Revenue Report for September 2018
5. **City Treasurer-** Total receipts deposited into the General Fund Account for September 2018

Moved Iafallo seconded by Noman to receive and file departmental reports thru five

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from the Mayor:

CDBG Funds-Milling and Paving of Holbrook Street

6. To: City Council

The following Resolution is for our Community Development Block Grant (CDBG) application. The first project (Priority #1) is for the milling and paving of Holbrook Street with a \$10,980.31 City share to match the \$100,000.00 from CDBG funds.

The second project (Priority #2) Erie County is looking for a \$50,000.00 cash match for the \$394,200.00 remediation of hazardous soils project at the former Lincoln School site.

I am asking the Honorable City Council to please consider the \$60,980.31 to match the approximate \$500,000.00 in project value.

MAYOR GEOFFREY M SZYMANSKI

Moved by Iafallo seconded by Noman to receive and file, act on resolution
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

6. (A) RESOLUTION # 19, 2018

ERIE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTS

WHEREAS, the City of Lackawanna is in need of funding for eligible programs under the Erie County Community Development Block Grant Program (ECCDBG); and

WHEREAS, the City of Lackawanna is desirous of obtaining financial assistance for these proposals; and

WHEREAS, following the Public Hearing of September 19, 2018, which was held at the Lackawanna City Hall for suggestions by the public for projects to be submitted for funding,

NOW, THEREFORE BE IT RESOLVED, that the Lackawanna City Council submits the following projects to be considered for funding by the Erie County Community Development Block Grant Program during the 2019-20 grant cycle:

- 1st-Priority- Milling and paving of Holbrook Street, from Route 5 to Ingham Avenue, estimated to cost \$110,980.31; and,
- 2nd Priority- Remediation of hazardous soils at the former Lincoln School Building located at 100 Dona Street, estimated to cost \$394,200, with Erie County providing \$244,200 of the cost.

NOW THEREFORE BE IT RESOLVED BY, that the Lackawanna City Council authorizes Mayor **Geoffrey M. Szymanski**, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG.

AND BE IT FURTHER RESOLVED THAT, the City of Lackawanna will provide a \$10,980.31 cash match for Priority #1, from line item H.2080.417.

AND BE IT FURTHER RESOLVED THAT the City of Lackawanna will provide a \$50,000 cash match #2 from line item H.2080.411.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt resolution as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from Department/Division Heads:

Budget Transfer-Holbrook Milling Project

7. To: City Council

Please approve the ordinance to transfer \$10,980.31 for the Holbrook Milling project.

CAROLYN A NICOMETO-CITY COMPROLLER

Moved by Iafallo seconded by Noman to receive and file, act on ordinance
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

7. (A) AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE ADOPTED JUNE 12, 2018

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to increase appropriations for Capital Project, Holbrook Milling

SECTION 2. That the 2018-2019 Budget Ordinance is hereby amended to add \$10,980.31 to budget Code A.9000.9551 Transfer to Other Fund-Capital

SECTION 3. That the 2018-2019 Budget Ordinance is hereby amended to appropriate \$10,980.31 of the City's Fund Balance

SECTION 4. That the 2018-2019 Budget Ordinance is hereby amended to add \$10,980.31 to budget code H.2080.417 Holbrook Milling

SECTION 5. That the 2018-2019 Budget Ordinance is hereby amended to increase budget code H.0000.5031 Capital Fund Interfund Transfers by \$10,980.31

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Budget Transfer-Lincoln School Remediation Project

8. To: City Council

Please approve the ordinance to transfer \$50,000.00 for the City's share of the Lincoln School Remediation project.

CAROLYN A NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Surdyke to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

8. (A) AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCES ADOPTED JUNE 12, 2018

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to increase appropriations for Capital Project, Lincoln School Remediation

SECTION 2. That the 2018-2019 Budget ordinance is hereby amended to add \$50,000.00 to budget Code A.9000.9551 Transfer to Other Fund-Capital

SECTION 3. That the 2018-2019 Budget ordinance is hereby amended to appropriate \$50,000.00 of the City's Fund Balance

SECTION 4. That the 2018-2019 Budget Ordinance is hereby amended to add \$50,000.00 to budget code H.2080.411 Lincoln School Remediation

SECTION 5. That the 2018-2019 Budget Ordinance is hereby amended to increase budget code H.0000.5031 Capital Fund Interfund Transfers by \$50,000.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Surdyke to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Budget Transfer-Police Department

9. To: City Council

Please approve the ordinance to transfer \$60,000.00 back to the City's fund balance for the remaining unused salary from the retirement of Jeffery Welsh.

CAROLYN A NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Schultz to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

9. (A) AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCES ADOPTED JUNE 12, 2018

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to decrease payroll appropriations for Personal Services Police Officer

SECTION 2. That the 2018-2019 Budget Ordinance is hereby amended to decrease \$60,000.00 to Budget Code A.3120.101 Police Department-Personal Services

SECTION 3. That the 2018-2019 Budget Ordinance is hereby amended to increase \$60,000.00 of the City's Fund Balance

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Schultz to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Budget Transfer-Lincoln School Demolition

10. To: City Council

I am requesting to increase appropriations and to transfer \$120,000.00 to the Capital fund for expenditures of the Demolition of 100 Dona Street (Lincoln School). Upon reimbursement from the State I will transfer the funds back to the General Fund.

If you have any questions, feel free to contact me.

CAROLYN NICOMETO-CITY COMPTROLLER

Moved by Iafallo seconded by Noman to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

10. (A) AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE ADOPTED JUNE 12, 2018

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2018-2019 Budget Ordinance adopted June 12, 2018 is hereby amended to increase appropriations for Capital Project, Lincoln School Demolition

SECTION 2. That the 2018-2019 Budget Ordinance is hereby amended to add \$120,000.00 to budget Code A.9000.9551 Transfer to Other Fund-Capital

SECTION 3. That the 2018-2019 Budget Ordinance is hereby amended to appropriate \$120,000.00 of the City's Fund Balance

SECTION 4. That the 2018-2019 Budget Ordinance is hereby amended to add \$120,000.00 to budget code H.2080.215 Demolition of City Owned Property

SECTION 5. That the 2018-2019 Budget Ordinance is hereby amended to increase budget code H.0000.5031 Capital Fund Interfund Transfer by \$120,000.00

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by lafallo seconded by Noman to adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, lafallo

Carried 5-0

Amend Chapter 215-for Roland Avenue & Sharon Parkway

11. To: City Council

Please put the attached ordinances on the agenda for council approval. Thank you.

RICHARD S JUDA, JR-CITY ATTORNEY

Moved by lafallo seconded by Schultz to receive and file, act on ordinance
Yeas: Noman, Schultz, Leonard, Surdyke, lafallo

Carried 5-0

11. (A) AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 215.43 shall be rescinded and replaced as follows:

180. Roland Avenue

On the north side:

Except as hereinafter provided, no parking from South Park Avenue to Front Street from 4:00 p.m. Sunday to 4:00 p.m. Wednesday

No standing or parking from the west curb line of South Park Avenue to a point 150 feet westerly therefrom

No standing from the east curb line of Electric Avenue to a point sixty (60) feet easterly therefrom

On the south side:

No parking from 4:00 p.m. Wednesday to 4:00 p.m. Sunday

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Schultz to adopt ordinance as written

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

11. (B) AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF THE CITY OF LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 215.43 shall be amended as follows:

195. Sharon Parkway

On the south side:

No parking from 6:00 pm Sunday to 6:00 p.m. Wednesday

Rescind:

On the north side:

No parking from the dead end to a point eighty (80) feet easterly of the east curb line of South Park from 4:00 p.m. Wednesday to 4:00 p.m. Sunday

No standing from the east curb line of South Park to a point eighty (80) feet easterly therefrom

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Leonard to **TABLE** for further study

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Purchase Offer-80 Center Street

12. To: City Council

My office has received an offer from Abdo Aldhabyani in the amount of \$1,500 to purchase the property on Center St., for the purpose of extending his yard and driveway, returning the property to the tax rolls.

Therefore, it is my recommendation that the City Council **approve** the sale of 80 Center Street to Abdo Aldhabyani in the amount of \$1,500.

For further information, please contact the Assessor’s Office.

FRANK E KRAKOWSKI-CITY ASSESSOR

Moved by Iafallo seconded by Noman to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

12. (A) AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE CHAPTER 12

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of the property known as SBL 142.45-2-38 (80 Center St.) parcel of approximately 35 x 125 a vacant parcel, to Abdo Aldhabyani

SECTION 2. That transfer is made for the sum of \$1,500 in cash to the City of Lackawanna

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property including a reverter clause

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Schultz to adopt ordinance as amended-removing reverter clause

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

2017-2018 Budget Amendment-Environmental Restoration Program

13. To: City Council

In 2007 the City of Lackawanna entered into a State Assistance Contract with New York State Department of Environmental Conservation under the Environmental Restoration Program in the amount of \$122,170.

60 for the brownfield clean-up of 113 through 135 Ridge Road (now home to Family Dollar). The State paid \$109,953.54 (90%) and the City paid \$12,217.06 (10%) of the clean-up costs with a provision that the City would reimburse the State for a portion of the clean-up based on the purchase prices plus taxes owed to the municipality upon acquisition of the site. These parcels have now been sold to Family Dollar, care of the Durban Group and our reimbursement obligation to the State is \$71,131.09. Therefore, I am requesting to create Line Item A8674.401 State Restoration Reimbursement and amend the budget to fund this Line by \$71,131.09.

DREW SHAPIRO-DIRECTOR of DEVELOPMENT

Moved by Iafallo seconded by Noman to receive and file, act on ordinance

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carrie 5-0

13. (A) AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017

BE IT ENACTED by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to create Budget line A.8674.401 State Restoration Reimbursement

SECTION 2. That the 2017-2018 Budget Ordinance is hereby amended to increase \$71,131.09 to budget Code A.8674.401 State Restoration Reimbursement for the State share of the sale proceeds

SECTION 3. That the 2017-2018 Budget Ordinance is hereby amended to add \$71,131.09 to budget code A.0000.2660 Sale of Real Property for the sale proceeds of 113 through 135 Ridge Road

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

Moved by Iafallo seconded by Noman to adopt ordinance as written
Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Communications from Citizens:

Fall Harvest Festival

14. To: City Council

For the past three years I have hosted Lackawanna's Fall Festival, a community event for the children of Lackawanna to have fun and safe night. I am requesting Steelawanna Ave. between Washington St. and Pearl St. be blocked off between 5pm -8pm on Wednesday October 31, 2018.

YAKEENA BURSE-RESIDENT

Moved by Iafallo seconded by Noman to approve request, refer to Director of Public Safety and DPW Commissioner

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Proposed Ridge Rd Gas Station

15. To: City Council

I would like to hear an update or status of the proposed Ridge Rd., and Wasson Ave gas station. Can the following questions be answered at the upcoming Council meeting?

- 1) Is there a tentative date when work will begin, or the opening is scheduled?
- 2) Was this business given a waiver for the 20% Green Space requirement? If so, can this action be revisited unless the owner can provide a sound reason it would be needed?
- 3) Can the NFTA be contacted to determine the feasibility of erecting a bus shelter at their Steelawanna and Ridge Rd stop? This could prevent unwanted loitering in and around the new business.

Thank you in advance for taking the time to consider my questions

EDWARD THOMAS-RESIDENT

Moved by Iafallo seconded by Noman to receive and file

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Adjournment:

Moved by Iafallo seconded by Surdyke meeting adjourned

Yeas: Noman, Schultz, Leonard, Surdyke, Iafallo

Carried 5-0

Annette Iafallo-Council President

Jeffrey P. DePasquale, City Clerk